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9
10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON
12

13 UNITED STATES OF AMERICA,) NO: 1:23-CR-02003-MKD-1
14)
15 Plaintiff,) PLAINTIFF'S SENTENCING
16) MEMORANDUM
17 vs.)
18)
19 JACOB RODNEY PENNY,)
20)
21 Defendant.)
22)
23 _____

24 Plaintiff, United States of America, by and through Vanessa R. Waldref,
25 United States Attorney for the Eastern District of Washington, and Thomas J.
26 Hanlon, Assistant United States Attorney, submits the following sentencing
27 memorandum:
28

I.

OFFENSE LEVEL & CRIMINAL HISTORY

The United States agrees with the calculations contained in the Presentence Investigation Report (hereinafter “PSIR”). As to Count 1, the total offense level is 34; the criminal history category is VI; and the guideline range is 262-327 months. As to Count 3, the guideline range is 120 months.

Here, pursuant to the terms of the plea agreement, the United States has agreed to recommend a sentence within the applicable guidelines. The Defendant has agreed to recommend any legal sentence.¹

II.

DEPARTURES

The government is not recommending a departure from the guidelines.

III.

SENTENCING FACTORS UNDER 18 U.S.C. §3553(a)

In determining the appropriate sentence, this Court should consider the factors as set forth in 18 U.S.C. § 3553(a).

1. The nature and circumstances of the offense and the history and characteristics of Defendant.

¹ See ECF No. 45.

1 On February 24, 2022, a residential burglary was committed and several
2 personal items, including a set of Stocki skis, ski boots, and a back ski bag, were
3 stolen.
4

5 On May 13, 2022, the victim of the residential burglary observed a Craigslist
6 advertisement which depicted his skis, ski boots, and black ski bag for sale. The
7 victim contacted law enforcement.
8

9 Law enforcement contacted the seller (identified as Alan) and requested to
10 purchase the skis. The deputy and Alan negotiated a price for the items.
11 Ultimately, “Alan” advised that “Roy” would transport the merchandise to the
12 Wolf Den in Wapato. “Alan” advised that “Roy” would be driving a newer white
13 Chevrolet Tahoe.
14
15

16 Law enforcement set up a perimeter around the Wolf Den and observed the
17 arrival of the suspect vehicle. The Defendant was driving the suspect vehicle. The
18 deputies surrounded the vehicle and contacted the Defendant. The Defendant
19 advised, “Ah I know this is about those stupid skis isn’t it?” The Defendant
20 advised that his friend had sold the skis but his vehicle was too small to transport
21 the skis.
22
23

24 Law enforcement subsequently obtained and executed a search warrant on
25 the vehicle. As relevant here, the deputies discovered hundreds of fentanyl pills,
26 methamphetamine, US Currency, and a firearm.
27
28

1 The Defendant is 44 years old and has a lengthy and violent criminal history.
2 The Defendant has routinely been involved in the criminal justice system for more
3 than twenty years. The Defendant has been convicted of the following offenses:
4
5 (1) Negligent Driving (1998)(pled down from Driving under the Influence); (2)
6 Domestic Violence Assault (1998); (3) Violation of No-Contact Order x2 (1999);
7
8 (4) Violation of No-Contact Order (2000); (4) Assault in Violation of No-Contact
9 Order (2000); (5) Driving under the Influence x2 (2000-01); (6) Assault (2000);
10
11 (7) Assault in Violation of No-Contact Order x2 (2002); (8) Third Degree Assault
12 (2004); (9) Domestic Violence Assault (2003); (10) Fourth Degree Assault and
13 Inference with Reporting Domestic Violence (2005); (11) Assault in Violation of
14 No-Contact Order (2005); (12) Obstruction (2005); (13) Possession of Cocaine
15 (2007); (14) Obstruction (2008); (15) Possession of Cocaine with Intent to Deliver
16 (2010); (16) Operate Vehicle without Interlock Device (2011); (17) False
17
18 Statement (2017); (18) Possession of Methamphetamine with Intent to Deliver
19 (2018) as well as various driving offenses.
20

21
22 The Defendant has a long history of substance abuse and owes more than
23 \$14,000 in child support.

24
25 2. The need for the sentence imposed to reflect the seriousness of the
26 offense, promote respect for the law, and to provide just punishment.

27 The current offense is serious. A term of imprisonment is necessary to
28 reflect the seriousness of the offense, promote respect for the law, and to provide

1 just punishment. In addition to his criminal convictions, the Defendant has a long
2 history of failing to follow orders issued by the court resulting in multiple warrants
3 being issued for his arrest.
4

5 The United States submits that a sentence of 262 months imprisonment is
6 required and is necessary to promote respect for the law, and to provide just
7 punishment.
8

9 3. The need for the sentence imposed to afford adequate deterrence to
10 criminal conduct.

11 Despite his criminal history, the Defendant has not been deterred from
12 engaging in criminal activity. In the instant case, the Defendant possessed a
13 firearm and hundreds of fentanyl pills for distribution. Prior terms of incarceration
14 failed to deter the Defendant from engaging in such activities. The United States
15 submits that a lengthy term of imprisonment is required.
16
17

18 4. The need for the sentence imposed to protect the public from further
19 crimes of Defendant.

20 The Defendant is a danger to the community. As noted above, the
21 Defendant has a long history of engaging in assaultive behavior. The United States
22 is particularly concerned due to the mix of fentanyl, methamphetamine, a smoking
23 device, and a firearm.
24
25

26 5. The need for the sentence imposed to provide Defendant with needed
27 educational or vocational training, medical care, or other correctional
28 treatment in the most effective manner.

1 The Defendant appears to be in need of vocational training.

2 IV.

3 GOVERNMENT’S SENTENCING RECOMMENDATION

4
5 The government recommends that the Court impose a sentence of 262
6 months imprisonment to be followed by 5 years of supervised release.
7

8 Respectfully submitted this 21st day of March 2024.
9

10 VANESSA R. WALDREF
11 United States Attorney
12

13 s\ Thomas J. Hanlon
14 THOMAS J. HANLON
15 Assistant United States Attorney
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1 I hereby certify that on March 21, 2024, I electronically filed the foregoing
2 with the Clerk of the Court using the CM/ECF which will send notification of such
3 filing to the following: Paul E. Shelton
4

5
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